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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,731	02/07/2002	Joseph Carrabis	13200/60134	2985

26812 7590 10/18/2005

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EXAMINER

CHANNAVAJJALA, SRJRAMA T

ART UNIT PAPER NUMBER

2166

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,731

Applicant(s)

CARRABIS, JOSEPH

Examiner

Srirama Channavajjala

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

THIS IS NON-FINAL OFFICE ACTION TO THE PENDING CLAIMS 1-18

1. In view of the appeal Brief filed on 9/1/2005, **PROSECUTION IS HEREBY REOPENED**. A new rejection to the pending claims 1-18 is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Examiner acknowledges applicant's Appeal Brief filed on 9/1/2005.

Drawings

3. The drawings filed on 2/7/2002 is acceptable for examination purpose.

Priority

4. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged based on the provisional application SI.No. 60/329,770 filed on 10/16/2001

5. Examiner notes that applicant filed international application no. PCT/US02/32980 on 10/16/2002 is now published WO 03/034284A1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breese et al. [hereafter Breese], US Patent No. 5,987,415 filed on Ju 30,1998, published on Nov 16, 1999 in view of Mizokawa, US Patent No.6, 230,111 filed on Aug 6, 1998, published on May 8, 2001

7. As to Claims 1,8 12,18 Breese teaches a system which including 'method of obtaining information regarding an environment for an individual having preferred modalities and engaged in activity using a programmable device' [see Abstract, col 4, line 57-62, col 6, line 36-44,col 8, line 8-12, col 10, line 23-27, fig 3], environment for an individual corresponds to Breese 's computer user interface that including observing user behavior, particularly user behavior caused from emotion and personality state as detailed in col 4, line 59-60, further it is noted that Breese specifically teaches a model that influence of emotion and personality based on Bayesian network as detailed in fig 3, programmable device corresponds to program modules being executed by a personal computer because program modules include processes, programs and like as detailed in col 6, line 40-42; 'sensing at least one psychomotor behavioral element of

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the activity engaged by the individual' [col 8, line 23-28, line 35-41, col 10, line 34-42], Breese specifically teaches Bayesian net integrate various aspects of emotion and personality in a single model for example cognitive response as well as physical response based on the mental state, further, it is noted that personality nodes capture or senses individual emotional and or personality state as detailed in col 10, line 34-42; 'psychomotor behavior element of the activity engaged by the individual' [col 12, line 49-59, fig 6], psychomotor behavior elements corresponds to loud, angry voice tones, calm, quite voice related to emotional state and personality of the user as detailed in col 12, line 50-52. It is however, noted that Breese does not specifically teach "determining the preferred modalities of the individual". On the other hand, Mizokawa teaches a system which including 'determining the preferred modalities of the individual' [col 6, line 55-60], preferred modalities of the individual corresponds to Mizokawa's user's emotions as detailed in col 6, line 58-60.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Mizokawa into modeling user's emotion and personality in a computer user interface of Breese et al. because both Breese and Mizokawa are directed to user behavior and emotion model, more specifically Breese is directed to computer based capturing emotion and personality states that including multistage representation of emotional and personality variables [see Abstract, col 5, line 22-28], while Mizokawa is directed to controlling object using pseudo-emotions and pseudo-personality generated in the object, more specifically

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recognizing, updating user commands related to pseudo-personality, pseudo-emotions and pattern of behavior [see Abstract, fig 2-3].

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Mizokawa into modeling user's emotion and personality in a computer user interface of Breese et al. because that would have allowed users of Breese to use user evaluation, emotion recognition units to observe various pattern of behavior or modality, further allowing to determine pseudo-emotions, predetermined relationship between patterns of autonomous behavior, [see Mizokawa: col 2, line 15-34], thus improving evaluation of user's intellectual work or desire [col 1, line 51-60].

8. As to Claim 2, Mizokawa teaches a system which including 'modifying at least one modifiable environmental unit to at least partially conform to the preferred modalities' [col 6, line 46-54, fig 4].

9. As to Claim 3, Breese teaches a system which including 'environment unit is modified in real-time' [col 17, line 35-43].

10. As to Claim 4, Mizokawa teaches a system which including 'storing the sensed psychomotor behavioral element in a user history' [col 7, line 32-40, line 51-55].

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11. As to Claim 5,13,15, Breese teaches algebraic transforms' [col 2, line 38-49], Breese specifically teaches Bayesian network model associate with various algebraic transforms. On the other hand, Mizokawa teaches a system which including 'sensed psychomotor behavioral element is stored' [col 7, line 53-59, col 8, line 14-29], psychomotor behavioral element corresponds to Mizokawa's user's emotions that including obedience, aggressiveness, curiosity, cheerful and like as detailed in col 8, line 14-29.

12. As to Claim 6, the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Mizokawa teaches determining preferred modalities includes determining a preferred combination of modalities and an ordering of modalities by preference thereby further defining a focus of the individual's attention' [col 7, line 11-17, line 21-24], Mizokawa specifically teaches sound/voice recognition, analyzing information on the user's gestures]

13. As to claim 7, Mizokawa disclosed 'modifying the environmental unit to provide content in the environment in the preferred combination of modalities and the order of modalities by preference whereby the combination and the order are placed in at least one respective co-ordinate group of representational geometry to which attention of the individual is drawn, as indicated by the psychomotor behavioral element' [col 6, line 46-62].

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14. As to claim 8, Breese disclosed 'defining a psychodynamic and a cognitive behavioral model using preferred combination modalities and the order of modalities' [col 5, line 5-10, line 23-28]; 'modifying at least one environmental unit as a function of the psychodynamic behavioral model and the cognitive behavioral model' [col 8, line 35-43].

15. As to Claim 10, the limitations of this claim have been noted in the rejection of claim 1 above. And in addition, Breese teaches 'multi-dimensional and has a plurality of modifiable environmental units' [col 10, line 59-67].

16. As to claim 11, Mizokawa disclosed 'preprogramming the device to monitor the individual for at least one specific types of psychomotor behavioral elements' [col 4, line 25-46]; 'communicating an occurrence of the specific type of psychomotor behavioral element' [col 4, line 39-46].

17. As to claim 14, Mizokawa disclosed 'memory device to store sensed psychomotor behavioral activity of the individual' [col 7, line 60-64].

18. As to claim 16, Mizokawa disclosed 'modalities are calculated while sensing psychomotor behavioral activity and concurrently used for modifications to the environmental units' [col 10, line 15-24].

19. As to claim 17, Mizokawa disclosed 'sensor includes at least one input device for a computer and the modifiable environmental unit includes at least one output device' [fig 1, col 4, line 51-59].

20. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breese et al. [hereafter Breese], US Patent No. 5,987,415 filed on Ju 30,1998, published on Nov 16, 1999 in view of Mizokawa, US Patent No.6, 230,111 filed on Aug 6, 1998, published on May 8, 2001

21. It is, noted both Breese, Mizokawa do not teach 'modalities calculation by an equation', although Breese teaches modeling a user's emotion and personality specifically using Bayesian network inference algorithm [see abstract, col12, line 29-35], while Mizokawa teaches control system for controlling object using pseudo-emotions and personality specifically calculating using rules or functional equations for pseudo emotions levels and personalities [col 10, line 15-18]. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to not only sense emotions, but also establish relationship between emotions, environmental information to evaluate the behavioral output as suggested by Mizokawa [col 9, line 16-21].

Response to Arguments

22. Applicant's arguments in the appeal brief, filed on 9/1/2005, with respect to the rejection of claims 1-18 have been considered but are moot in view of the new ground(s) of rejection as stated above.


Conclusion


The prior art made of record

- a. US Patent No. 5987415
- b. US Patent No. 6230111

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc 
Patent Examiner.
October 14, 2005.


Alam, Hosain, T
SPE, AU2166.